

26-32, 34, and 36 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 20040039581) in view of Davis (US 6219423). Claims 20 and 24-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 20040039581) in view of Davis (US 6219423) and further in view of Broerman (US 20040054606). Claim 35 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 20040039581) in view of Davis (US 6219423) and further in view of Mini et al. (US 6684196).

First, the Applicant's respectfully disagree with the Examiner's assertion in the Examiner's "Response to Arguments" section "that at least one selectable standard closing condition; at least one selectable custom closing condition, a plurality of title insurance companies, and a plurality of title insurance policies associated with the title insurance companies, represent non-functional descriptive data. (OA pg. 3, first full para.). The Examiner references MPEP 2106IV b 1(b) in support of this assertion. However, the Applicants are unable to find this reference and request the Examiner provide a corrected reference.

However, the Examiner admits that "the features which give patentable weight to the claim are the closing server, the closing database, the closing module, the title insurance module, and at least one computer processor having identity verifier logic." (OA pg. 3, second full para.)

The Applicants respectfully direct the Examiner's attention to MPEP sec 2106.01(I) where it states "In contrast, a claimed computer-readable medium [closing server] encoded with a data

structure [at least one selectable standard closing condition; at least one selectable custom closing condition] defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory."

As noted by the Examiner, a closing server limitation gives patentable weight. Thus, the data structure limitation, at least one selectable standard closing condition, encoding a computer-readable medium, e.g., a closing server, is also patentable. Likewise, a similar argument exists for the limitations of a plurality of title insurance companies, and a plurality of title insurance policies associated with the title insurance companies. Indeed, the Examiner admits "[C]laim 17 recites both a closing module and a title insurance module that comprise additional features." (OA, pg. 4, para. 1). Thus, the Examiner admits that the limitations; at least one selectable standard closing condition; at least one selectable custom closing condition, a plurality of title insurance companies, and a plurality of title insurance policies associated with the title insurance companies, are features. The Examiner also admits that these features are contained within a "... module which is consistent with a program or piece of code that is run by a computer system". (OA, pg. 4, para. 1)

Therefore, the Applicants respectfully assert that the Examiner is incorrect in his assertion that the features: at least one selectable standard closing condition; at least one selectable custom closing condition, a plurality of title insurance companies, and a plurality of title insurance policies

associated with the title insurance companies, are not patentable. Therefore these features are patentable and should be allowed.

Referring to Claims 17-36 rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner asserts that it is unclear how a module, such as a closing module, comprises at least one selectable closing condition and at least one customizable closing condition, or how a title insurance module comprises a plurality of title insurance company [identifying] information.

First, the Applicants respectfully direct the Examiner's attention to at least paragraphs 28, 29, 30 of the Applicants' specification. These paragraphs clearly define the program "module" containing "conditions. And, as the Examiner as clearly pointed out, "...the term module..." as used in the Applicants specification, "...is consistent with a program or piece of code that is run by a computer system." (OA pg. 4 para. 1) In addition, from Wikipedia:

"In computer science, conditional statements, conditional expressions and conditional constructs are [well known] features of a programming language which perform different computations or actions depending on whether a programmer-specified condition evaluates to true or false. []. Apart from the case of branch predication, this is always achieved by selectively altering the control flow based on some condition."

Thus, claims 17-36 are not vague or indefinite. The Examiner is respectfully requested to reconsider his rejection of claims 17-36 based upon 35 USC §112, second paragraph.

Referring to Claims 28 and 33 rejection under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that claims 28 and 33 recite the limitations, "the at least one financial identifier" and "at least one county registrar identifier", respectively, and that there is insufficient antecedent bases for these limitations in the claims.

The Applicants respectfully point out that claim 28 depends from claim 27 which in turn depends from claim 26 which contains the antecedent basis for "the at least one financial identifier".

Claim 33 is cancelled herein.

With regard to Claims 17-19, 21-23, 26-32, 34, and 36 rejection under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 20040039581) in view of Davis (US 6219423); Claims 20 and 24-25 rejection under 35 U.S.C. 103(a) as being unpatentable over Wheeler (US 20040039581) in view of Davis (US 6219423) and further in view of Broerman (US 20040054606); and Claim 35 rejection under 35 U.S.C. 103(a) as being unpatentable over

Wheeler (US 20040039581) in view of Davis (US 6219423) and further in view of Mini et al. (US 6684196).

The Applicants respectfully point out that the present application is a divisional application deriving from parent application s/n 09/643,274 filed 22 August 2000. Further the parent application derives its priority date from provisional patent application 60/184,312 filed 23 February 2000.

The cited Wheeler reference relied on by the Examiner as the basis in all the U.S.C. 103(a) rejections was filed 23 August 2002. Clearly, the Wheeler reference is an improper reference. Therefore, claims 17-32, and claims 34-36 are patentable and should be allowed.

It is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the Examiner is invited to call Applicant's Attorney at the telephone number indicated below.

Respectfully submitted,

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04/23/08

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